

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**BANK OF NEW YORK MELLON
TRUSTEE**

Plaintiff,

v.

NAGACHANDRA NAGARAJ, *et. al.*

Defendants.

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Civil No.: PJM 15-1171

MEMORANDUM OPINION

The Court has reviewed Defendants’ purported “Notice of Removal.” Apart from the numerous, egregious deficiencies in this supposed Removal, Defendants’ filing is clearly an attempt to collaterally attack an Order disposing of a years-long foreclosure action in the Circuit Court for Montgomery County, Case No. 324835V.

None of this information was disclosed in the “Notice of Removal” filed by Attorney Kosmas N. Johns. Instead, the “Notice” suggested “[t]his all occurred in Civil Action 21C306676.” Paper No. 1 ¶ 6. The Court’s own search of the Maryland Judiciary Case Search could find no such case number, but did uncover the correct case, No. 324835V.

Moreover, it is worth noting that—despite the fact that three different law firms of record represented Bank of New York Mellon in the underlying state court proceeding—none of them was served with the “Notice of Removal.” Counsel for Defendants instead certified that, for some inexplicable reason, he had sent the Notice by first-class mail to the Bank in Plano, TX, and to an attorney in Virginia Beach, VA. Counsel is strongly urged to consult Rule 11 of the Federal Rules of Civil Procedure before undertaking similar action in the future.

It is clear to the Court that the purported “Removal” is improper, and that the underlying state case has been resolved and closed, and that a Final Judgment (Order) of Possession of the subject property was entered consistent with the remand from the Court of Special Appeals on or about April 22, 2015. *See* Order Granting Possession of Property in *Edward S. Cohn, et.al. v. Nagachandra Nagaraj, et. al.*, Case No. 324835V (Cir. Ct. Montgomery Cty. Apr. 22, 2015); *see also Bank of New York Mellon v. Nagaraj*, 105 A.3d 1044 (Md. Ct. Spec. App. 2014). Judge Callahan’s April 22, 2015 Order notably was not appealed to the Maryland Court of Special Appeals.¹ Accordingly, the Court **DISMISSES WITH PREJUDICE** this case. The Clerk of the Court is directed to **CLOSE** the case.

A separate Order will issue.

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

August 6, 2015

¹ Given the availability of appeal to Maryland’s higher courts, jurisdiction in this case also fails by reason of the *Rooker-Feldman* doctrine. *See Willner v. Frey*, 243 F. App’x 744, 745–46 (4th Cir. 2007).